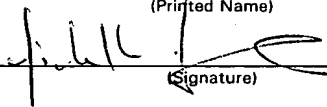




Atty. Dkt. No. 036163-0103

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michel H. Malek  
Title: SPINAL STABILIZATION  
SYSTEMS  
Appl. No.: 10/722,119  
Filing Date: 11/25/2003  
Examiner: Unknown  
Art Unit: 3743

<p><b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p>Michelle Manning (Printed Name)</p> <p> (Signature)</p> <p>April 26, 2004 (Date of Deposit)</p>
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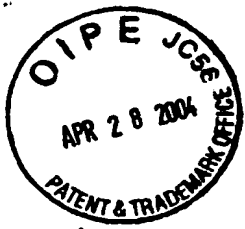
**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*



The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

#### **RELEVANCE OF EACH DOCUMENT**

Three foreign language references are submitted. English language translations of the abstracts for two of the references, PCT patent application publication Nos. WO 01/06939 and WO 02/24087, are provided. The third reference, French patent application publication No. 2,801,782, is the priority document for U.S. patent application publication No. 2003/0055427.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350.



Atty. Dkt. No. 036163-0103

Respectfully submitted,

Date April 26, 2004

FOLEY & LARDNER LLP

Customer Number: 23524

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By

A handwritten signature in black ink, appearing to read "Michelle Manning", written over a horizontal line.

Michelle Manning  
Attorney for Applicant  
Registration No. 50,592

Form PTO-1449  
(MODIFIED)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

036163-0103

SERIAL NO.

10/722,119

## INFORMATION DISCLOSURE CITATION

Filing Date: April 26, 2004

(See several sheets if necessary)

APPLICANT

Michel H. Malek

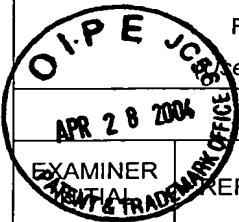
FILING DATE

11/25/2003

GROUP ART UNIT

3743

## U.S. PATENT DOCUMENTS



EXAMINER	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
		4,743,260	May 10, 1988	Burton			
		5,084,048	Jan. 28, 1992	Jacob et al.			
		5,092,866	Mar. 3, 1992	Breard et al.			
		5,261,911	Nov. 16, 1993	Carl			
		5,282,863	Feb. 1, 1994	Burton			
		5,352,224	Oct. 4, 1994	Westermann			
		5,375,823	Dec. 27, 1994	Navas			

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
							YES	NO
		2 801 782	Dec. 1, 1999	France				
		WO 01/06939	Feb. 1, 2001	PCT				
		WO 02/24087	Mar. 28, 2002	PCT				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.

Form PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 036163-0103		SERIAL NO. 10/722,119	
<b>INFORMATION DISCLOSURE CITATION</b>  (Use several sheets if necessary)				APPLICANT Michel H. Malek			
				FILING DATE 11/25/2003		GROUP ART UNIT 3743	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
		5,380,324	Jan. 10, 1995	Müller et al.			
		5,437,671	Aug. 1, 1995	Lozier et al.			
		5,540,688	Jul. 30, 1996	Navas			
		5,591,166	Jan. 7, 1997	Bernhardt et al.			
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		6,579,319	Jun. 17, 2003	Goble et al.			
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		2001/0037111	Nov. 1, 2001	Dixon et al.			
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		2003/0176861	Sep. 18, 2003	Reed			